

**United States Government
NATIONAL LABOR RELATIONS BOARD**
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April 28, 2006

Mr. Mark W. Kewatt
26648 Chambers Rd.
Aitkin, MN 56431

Re: AITKIN IRON WORKS
Case 18-RD-2571

Dear Mr. Kewatt:

The above-captioned case, arising from a petition filed pursuant to Section 9(c) of the National Labor Relations Act, as amended, has been carefully investigated and considered.

As a result of the investigation, it appears that further proceedings are not warranted at this time. The investigation revealed that you filed the instant petition on April 19, 2006. However, prior to the filing of your petition, the Employer and the Union agreed on the terms of a settlement agreement in cases 18-CA-17780 and 18-CA-17861, which were approved on January 31, 2006. Among the terms of the settlement agreement is a provision that the Employer "will recognize and bargain in good faith with the Union as the exclusive bargaining representative of our employees in the bargaining unit..." However, because the Employer was unwilling to meet any earlier, the parties have been bargaining only since March 30, 2006, and to date have engaged in only three bargaining sessions. When a settlement agreement contains a provision requiring bargaining in good faith, an employer has an obligation to bargain with a union for a reasonable period of time following execution of the settlement agreement, without regard to whether or not there are fluctuations in the majority status of the union during that period. Therefore, during this period of time, no question concerning the representative status of the Union may be raised. AT Systems West, Inc., 341 NLRB 57, 61-62 (2004); Poole Foundry & Machine Co., 95 NLRB 34 (1951). It does not appear that the Employer has been bargaining with the Union for a reasonable period of time following the execution of the settlement agreement in cases 18-CA-17780 and 18-CA-17861.

Accordingly, further proceedings are not warranted, and I am, therefore, dismissing the petition herein.

Pursuant to the National Labor Relations Board Rules and Regulations, Series 8, as amended, you may obtain a review of this action by filing a request therefor with the

National Labor Relations Board, addressed to the Executive Secretary, National Labor Relations Board, 1099 – 14th Street N.W., Washington, DC 20570. A copy of such request for review must be served on the Regional Director and each of the other parties to the proceeding. This request for review must contain a complete statement setting forth the facts and reasons upon which it is based. The request for review (eight copies) must be received by the Executive Secretary of the Board in Washington, DC by the close of business on **May 12, 2006**, at 5:00 p.m. Eastern Time. You should be advised that Section 102.114 of the Board's Rules and Regulations precludes acceptance of a request for review by facsimile transmission. Upon good cause shown, however, the Board may grant special permission for a longer period within which to file. The request for extension of time should be submitted to the Executive Secretary of the Board in Washington, DC, and a copy of any such request for extension of time should be submitted to the Regional Director and to each of the other parties to this proceeding. The request for review and any request for extension of time for filing must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding, and the copy must be served in the same or faster manner as that utilized in filing the request with the Board. When filing with the Board is accomplished by personal service, however, the other parties shall be promptly notified of such action by telephone, followed by service of a copy by mail.

Very truly yours,

/s/ Marlin O. Osthus

Marlin O. Osthus
Acting Regional Director

MOO/ob
Enc.
cc:

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